

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re:

Elizabeth Ann Wirth,
Debtor

Case No.: 18-26528-bhl
Chapter 13

NOTICE AND REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

Elizabeth Ann Wirth (*Debtor*) filed papers with the Court requesting amendment of the unconfirmed Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to confirm the amended plan as proposed, or if you want the Court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the Court a written request for hearing that contains a short and plain statement of the factual and legal basis for the objection. File your written request electronically or mail it to:

Clerk of Bankruptcy Court
517 E Wisconsin Ave, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the expiration of 21 days.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the request and enter an order confirming the amended Chapter 13 plan.

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REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

1. This request to amend an unconfirmed Chapter 13 Plan **SUPERSEDES ALL PRIOR REQUESTS TO AMEND THE PLAN AND INCLUDES ALL PROPOSED AMENDMENTS. TERMS NOT FULLY STATED HERE OR IN THE ORIGINAL PLAN ARE NOT PART OF THE PLAN.**
2. Service. A certificate of service must be filed with the amendment. Designate one of the following:
 - x A copy of this proposed amendment has been served on the trustee, United States trustee and all creditors,
3. The Chapter 13 Plan filed with the Court is amended as follows:

- a. **2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$1506.00 per Month for 60 months

- b. **2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is**
\$ 98,250.00.
- c. **3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.**

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
One Main Financial	\$13,039.10	1987 Jaguar XJ6 (non-PMSI)	\$900.00	\$0.00	\$900.00	5.50%	Pro rata	\$965.08
Port Washington State Bank	\$21,074.83	988 Knollwood Rd West Bend, WI 53095	\$519,800.00	\$325,000.00	\$519,800.00	3.99%	\$369.46	\$22,167.52
Wells Fargo Dealer Services	\$6,405.10	2007 Infiniti M35X	\$4,000.00	\$0.00	\$4,000.00	6.00%	Pro rata	\$4,316.81

- d. **3.6 Pre-confirmation adequate protection payments.**

Name of creditor	Collateral	Monthly adequate protection payment amount
Credit Acceptance Corporation	2011 Nissan Rogue	\$200.00
Wells Fargo Dealer Services	2007 Infiniti M35X	\$75.00

- e. **4.2 Trustee's fees**

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be 6.00% of plan payments; and during the plan term, they are estimated to total \$5,593.80.

- f. **Priority claims other than attorney's fees and domestic support obligations as treated in § 4.5.**

Name of Creditor	Estimated amount of priority unsecured claim
Internal Revenue Service	\$5,110.08
Wisconsin Department of Revenue	\$1,250.00

g. **5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

☒ The sum of \$ 44,565.30

☐ _____% of the total amount of these claims, an estimated payment of \$ _____

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ 3,566.24. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

h. **8.1 Check "None" or List Nonstandard Plan Provisions**

(a) Should the Chapter 13 of Ms. Wirth's former spouse be dismissed and her claim against him is revived and she collects or if she receives payment under the 13, Ms. Wirth will turnover any unexempt portion of the proceeds.

(b) Should the dispute regarding the ownership of the HWY 60 & I development site be resolved in Ms. Wirth's favor, she will notify the trustee. If proceeds become available due to sale or development of the site, Ms. Wirth will inform the trustee and turnover any unexempt portion of the proceeds.

(d) Funds held in trust by Attorney Nate Cade are to be used for the sole purpose of repairs and maintenance on 988 Knollwood and no other purpose per Settlement Agreement. Ms. Wirth will inform the trustee of any distributions. A separate motion will be filed to release these funds before confirmation for repairs made per Settlement Agreement.

(e) Should there be any inheritance paid to Ms. Wirth or distribution from the family trust (Clyde and Joan Wirth Revocable Trust) due to the October 2018 passing of Ms. Wirth's father, she will notify the trustee and turnover any unexempt funds.

(f) Giving credit for the \$7,890.00 paid into the plan to date, the plan shall run for 60 months from confirmation with future payments of \$1506.00 per month.

All remaining terms of the original Chapter 13 Plan are unaffected. In the event of a conflict between the terms of the original Plan and the terms of this amendment, the terms of this amendment control.

WHEREFORE, Debtor requests that the Court approve this proposed amendment to the original Chapter 13 Plan.

CERTIFICATION

The Debtor's attorney must sign this certification. A Debtor represented by an attorney may sign this certification. If the Debtor does not have an attorney, the Debtor must sign this certification. **The provisions in this Chapter 13 plan are identical to those contained in the official local form other than the changes listed in part 3.**

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted March 4, 2019.

/s/Deborah A. Stencel

Deborah A. Stencel

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